LEGISLATION NO: _0023-20_____ SPONSOR: Charlaine Tso

TITLE: An Action Relating to Resources and Development; approving the Grant of Right-of-Way to Emery Telecom/Transcon Environmental located on Navajo Nation Trust Lands in Aneth Chapter Vicinity (San Juan County, Utah)

Date posted: January 23, 2020 at 6:29pm

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Office of Legislative Services
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DATE: January 16, 2020

TITLE OF RESOLUTION: PROPOSED STANDING COMMITTEE RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE GRANT OF RIGHT-OF-WAY TO EMERY TELECOM/TRANSCON ENVIRONMENTAL LOCATED ON NAVAJO NATION TRUST LANDS IN ANETH CHAPTER VICINITY (SAN JUAN COUNTY, UTAH)

PURPOSE: Approving the Grant of Right-of-Way to Emery Telecon/Transcon Environmental, Inc. for the Utah Education Network (UTEN) San Juan Phase 1 Fiber Optic Project on Navajo Nation Trust Lands in Aneth Chapter vicinity (San Juan County, Utah).

This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.
PROPOSED STANDING COMMITTEE RESOLUTION

24th NAVAJO NATION COUNCIL -- Second Year, 2020

INTRODUCED BY

(Prime Sponsor)

TRACKING NO. OC23-20

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT: APPROVING THE GRANT
OF RIGHT-OF-WAY TO EMERY TELECOM/TRANSCON ENVIRONMENTAL
LOCATED ON NAVAJO NATION TRUST LANDS IN ANETH CHAPTER
VICINITY (SAN JUAN COUNTY, UTAH)

BE IT ENACTED:

SECTION ONE. AUTHORITY
A. Pursuant to 2 N.N.C.§ 500, the Resources and Development Committee was
   established as a standing committee of the Navajo Nation Council.
B. Pursuant to 2 N.N.C.§ 501 (B) (2) (a), the Resources and Development Committee
   grants final approval for all Rights of Way.

SECTION TWO. FINDINGS
C. Emery Telecom/Transcon Environmental, Inc., Salt Lake City, has submitted a right-
of-way (ROW) application for Utah Education Network (UTEN) San Juan Phase 1
   Fiber Optic Project on, over and across Navajo Nation Trust Lands in Aneth Chapter
   vicinity (San Juan County, Utah). The application request is attached hereto and
   incorporated herein as Exhibit E.
D. The proposed right-of-way is described in map and description attached hereto and
incorporated herein as Exhibit B.

E. State of Utah Department of Transportation, which is the right-of-way permit holder, "has agreed to approve the permit application to install fiber along UDOT's right-of-way (ROW) through the Navajo nation, along SR 162, in the vicinity of Montezuma Creek. The State of Utah Department of Transportation memorandum dated May 2, 2019 is attached hereto as Exhibit C.

F. The environmental studies and archaeological clearances, including the Finding of No Significant Impact (FONSI), are attached as Exhibit D.

G. Aneth Chapter resolutions supporting the Utah Education Network (UTEN) San Juan Phase 1 Fiber Optic Project are attached as Exhibit F.

H. The application for the Right-of-Way as submitted by the Emery Telecon/Transcon Environmental, Inc., has been reviewed Executive Official Review process, including review by the Department of Justice and "Approved" or found "Sufficient.". See documents included in Executive Official Review Document No. 013152, attached as Exhibit G.

SECTION THREE. APPROVAL

A. The Resources and Development Committee of the Navajo Nation Council hereby approves the Grant of Right-of-Way to Emery Telecon/Transcon Environmental, Inc. for the Utah Education Network (UTEN) San Juan Phase 1 Fiber Optic Project on Navajo Nation Trust Lands in Aneth Chapter vicinity (San Juan County, Utah). The location is more particularly described on the survey map attached hereto as Exhibit B.

B. The Resources and Development Committee of the Navajo Nation Council hereby approves the right-of-way subject to, but not limited to, the following terms and conditions incorporated herein and attached as Exhibit A.

C. The Resources and Development Committee of the Navajo Nation Council hereby authorizes the President of the Navajo Nation to execute any and all documents necessary to affect the intent and purpose of this resolution.